

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 12, 2020

I. CALL TO ORDER

Mayor Spencer called the meeting to order at 7:32 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Spencer led the Invocation and Pledge of Allegiance.

III. ROLL CALL

Members present:

Nancy Spencer, Mayor
Scott Gehring
Tom Henning
Chris Hilberg
Doug Moormann
Brian Mueller
Traci Theis

Officials/Staff present:

Brian Fox, Law Director
Tom Moeller, City Manager
Lori Thompson, Assistant City Manager
David Schaefer, Police Chief
C. Robert Paul, Treasurer
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

A. Changes to the agenda:

None

B. Changes to the City Council Regular Meeting minutes from September 28, 2020:

None

Motion to accept the agenda and the September 28, 2020 Regular Meeting minutes made by Ms. Theis, second by Mr. Moormann. Motion passed by unanimous roll call vote.

V. MAYOR'S MOMENT

A. Public Comment Reminder

B. In the Community

1. Mayor Spencer congratulated the Madeira Varsity Football team for the first ever Madeira football playoff victory. She also congratulated everyone who helped to keep the students in school for the first quarter of the school year.
2. Community members are invited to contact Mayor Spencer to suggest people or events to be recognized during this segment; her email address is nspencer@madeiracity.com.

C. Special Recognition

None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Parks and Recreation Board October 14, 2020 at 7:00 p.m.
- Planning Commission and City Council October 19, 2020 at 7:00 p.m.
- Budget and Finance Committee October 26, 2020 at 6:30 p.m.
- City Council October 26, 2020 at 7:30 p.m.

VII. COMMITTEE AND OFFICIAL REPORTS

- A. Parks and Recreation Board Special meeting on September 30, 2020
 - 1. Mr. Mueller reported this special meeting was held to plan the reverse Halloween parade, scheduled for October 25 between 2:30 to 5:00 p.m. Three caravans of Council and Board members will travel the City during that time. He thanked the Madeira Police for planning the route and for their help with the event.

- B. Board of Zoning Appeals meeting on October 5, 2020
 - 1. There were no questions about the cases as reported in the Manager’s Report.

- C. Police Report
 - 1. Chief Schaefer presented a redesign for the Police vehicles. The design has the word “Madeira” on a black field with a blue line through the center on the sides of the vehicle. The back of the vehicle shows an American flag and the core values “Honor,” “Loyalty,” “Commitment,” and “Duty” on the back hatch. Later in the discussion, Chief Schaefer clarified this was his design proposal for all Police vehicles going forward.
 - 2. Mr. Mueller made the suggestion to change “Madeira” to “City of Madeira” on each side of the vehicle. As other first ring suburbs are losing population and becoming villages, he preferred to make the distinction that Madeira is a city. Mayor Spencer said she didn’t think the city distinction would be very meaningful to most people and preferred a clean look with fewer words. Mr. Mueller said if Council decides to use only “Madeira” on the vehicles, the administrative policy adopted at the September 17 meeting would need to be amended, as it states the official wording shall be “City of Madeira.”
 - 3. Council discussed the redesign. Mr. Hilberg, Mr. Moormann, and Mr. Gehring spoke in favor of the redesign. Mr. Mueller said he didn’t find any other law enforcement vehicles in Ohio that had words like the core values on the vehicles. He said he voted in favor of the administrative policy because it emphasized the importance of official markings and is disappointed that the unofficial core values are in the permanent design package.
 - 4. When asked, Chief Schaefer said he has quotes for making the changes for the redesign and would contact the vendor the next day to get the work scheduled.

Motion to accept the Police vehicle redesign as submitted made by Mr. Hilberg, second by Mr. Moormann. Motion passed by 6-1 roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	no
Traci Theis	yes

VIII. COMMUNITY PARTICIPATION

- A. Guests and Registered Visitors
 - 1. Mr. John Fiehrer sent an email asking if the Covid-19 funds mentioned in the City Manager’s Report were in addition to the funds already received. He also asked why police salaries would be included in Covid relief.

2. Steven Daggitt said the Police vehicle redesign was moving in the wrong direction. He was disappointed that of the three politically and racially divisive elements that were a concern, the thin blue line flag, the thin blue line, and the words, only one was addressed.

B. Correspondence
None

IX. ORDINANCES AND RESOLUTIONS

A. Res. No. 46-20: Creating SR-56 COVID-19 Reimbursement Fund and Authorizing the City Manager to Execute an Agreement with Hamilton County

1. Mr. Moeller said the additional \$331,000 mentioned in his Manager's Report is Federal funds coming through Hamilton County. The City has received those funds, and it appears the funds can be used for Covid-19 related and safety personnel costs, which would be both fire and police; the Administration is working to confirm that is the case. In the event the City uses the funds for safety personnel costs and then it comes clear those costs are not eligible, the City would reimburse those funds.
2. This legislation is for additional funds of \$128,000 for which the City would be reimbursed for Covid-19 expenses through the end of the year.
3. Mr. Moormann noted the dollars have been distributed nationally, and all communities are grappling with what are proper uses for the funds.

Motion to approve Res. No. 46-20: Creating SR-56 COVID-19 Reimbursement Fund and Authorizing the City Manager to Execute an Agreement with Hamilton County made by Ms. Theis, second by Mr. Moormann. Motion passed by unanimous roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes
Traci Theis	yes

B. Res. No. 45-20: Authorizing the City Manager to Execute an Amended Lease Agreement with Redden's Fine Meats and Seafood LLC, for the Property Located at 7701 Railroad Avenue, Madeira, Ohio (Railroad Depot)

1. Mr. Moeller said the tenant received the amended lease and then sent the City a counter offer; these changes were outlined in the City Manager's Report.
2. Mr. Gehring said he saw the counter offer as a red flag and was concerned this tenant was not going to be the viable long-term tenant he wanted for the taxpayers. He said the final offer made by the City was more than fair, especially when compared with commercial real estate dealings, and the counter offer pushed out the signing of the lease. He asked that the vacancy be referred back to the Economic Development Committee to review all applicants.
3. Ms. Theis said her understanding is the tenant needs to order a custom-made refrigeration unit that would take three months to make and deliver; the tenant has held off on ordering the unit until it is approved by the Historic Preservation Commission. She said if the unit

comes sooner, he said he would open and start paying rent. She was not in favor of referring it back to committee.

4. Mr. Moormann said the tenant negotiated in good faith with the City, and the lease terms for the security deposit and date to start payments are less favorable than other tenants have had. He was also against referring back to committee because there appeared to be no consensus on Council as to which other applicants to approach.
5. Mr. Mueller said the tenant's brother, the City's Mayor's Court Magistrate, is acting as the attorney for the tenant, reviewing the lease negotiations. While not violating the letter of ethics laws, he said it looks bad to have someone on the City's payroll advising the applicant on how to get a better deal from the City. He is, therefore, withdrawing his support of the candidate.
6. Mr. Hilberg said he supports the lease, and he is frustrated that Council left the negotiations of the lease to the City Manager but has only second-guessed his decisions.
7. Mayor Spencer said she disagreed with the following characterizations in the discussion: that working with a city as a landlord is comparable to a commercial landlord, that there is any conflict of interest with the tenant's brother, and that the applicant caused delays. She noted, too, that the City made clear it was accepting backup offers from other applicants, and no applicant came forward with a clear proposal with specifics on what they would put into the business and what would be expected from the City.

Motion to approve Res. No. 45-20: Res. No. 45-20: Authorizing the City Manager to Execute an Amended Lease Agreement with Redden's Fine Meats and Seafood LLC, for the Property Located at 7701 Railroad Avenue, Madeira, Ohio (Railroad Depot) made by Mr. Moormann, second by Ms. Theis. Motion passed by 5-2 roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	no
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	no
Traci Theis	yes

X. NEW BUSINESS

A. Shewango Way Sidewalks

1. Mr. Moeller said Steffani Pennington asked what the process would be for getting sidewalks on Shewango. For a resident-initiated project like this, fifty percent plus one of the affected residents would need to agree. The costs would be assessed to the property owners on both sides of the street even though the sidewalk would be on only the north side. There would be a process in place if a property owner on the south side objected to the assessment. Mr. Moeller noted that the City could also initiate sidewalk projects, in which case they would be built and assessed to the property owner without the petition process. In either case, the assessments would be spread out over 20 years.
2. Ms. Pennington said the sidewalks are needed for safety. The street is busy with traffic to the High School as well as with children biking and people walking their dogs, and the recent speed enforcement did not have lasting effects. She got signatures from all the affected property owners that she was able to reach, which were 24 of the 37.
3. Mr. Moeller said the next steps would be for Council to consent to have the City Engineers drill down to get more accurate costs for the project. The City would then notify affected

residents of the cost and take one last poll to see if the majority was in favor of moving forward.

4. If the project were to move forward, the City could finance the cost through the general reserve or a special assessment bond for a 20-year period. If the actual bids come in higher, the City would be able to assess for a maximum of 10% over the quoted cost; therefore, Council could abort the project if the bids were too high.
5. Council discussed the high estimated cost of the project. Mr. Moeller noted the costs were for the type of sidewalk with grass between it and the street. Ms. Pennington said all but one of the respondents were in favor of the type of sidewalk that abuts the curb. Mr. Moeller said that could result in a small savings.

Motion to direct Mr. Moeller to proceed in gathering more information on the Shewango Way sidewalk costs made by Mr. Mueller, second by Ms. Theis. Motion passed by unanimous roll call vote.

XI. OLD BUSINESS

None

XII. EXECUTIVE SESSION


A. Pending Litigation

Motion to adjourn into Executive Session for the purpose of discussing disputes involving the City that are subject of pending, possible, or imminent court action or to discuss legal opinions of the Law Director on such matters that could reasonably involve future litigation made by Ms. Theis, second by Mr. Henning. Motion passed by unanimous roll call vote at 8:59 p.m.

XIII. ADJOURNMENT

Motion made by Mr. Hilberg, second by Mr. Gehring, to adjourn Executive Session and return to regular session at 10:01 p.m. Motion passed by unanimous roll call vote.

Motion made by Mr. Gehring, second by Mr. Hilberg, to adjourn the regular meeting at 10:09 p.m. Motion passed by unanimous roll call vote.



Christine Doyle, Clerk of Council